

REMARKS

Applicants have amended their claims in order to provide consistency between claims 18 and 28, on the one hand, and their parent claims, on the other. Specifically, claims 18 and 28 have been amended to recite polysaccharides "excluding carboxymethylcellulose", consistent with parent claim 27 reciting that the water-soluble polymer excludes carboxymethylcellulose.

Initially, it is respectfully requested that the present amendments be entered. It is respectfully submitted that the present amendments do not raise any new issues, including any issue of new matter, noting previously considered claim 27. Moreover, by providing claims 18 and 28 consistent with claim 27, it is respectfully submitted that possible inconsistencies between claims 18 and 28, on the one hand, and claim 27, on the other, are avoided, materially limiting issues remaining in connection with the above-identified application. Noting that the present amendments constitute Applicants' first opportunity to amend their claims subsequent to the Amendment filed January 12, 2006 and Office Action mailed March 27, 2006, responsive to such Amendment, it is respectfully submitted that the present amendments are clearly timely.

It is respectfully submitted that the foregoing constitutes the necessary showing under 37 CFR 1.116(b)(3); and that, accordingly, entry of the present amendments is clearly proper.

The Examiner is thanked for the indicated allowance of claims 33 and 35. Moreover, it is noted that the remaining claims in the above-identified application have been rejected on prior art grounds, each of these rejections utilizing the teachings of United States Patent Application Publication No. US 2002/0016073 to Kondo, et al. Note Items 4 and 7 on pages 3-6 of the Office Action mailed

March 27, 2006.

However, as will be shown in the following, it is respectfully submitted that Kondo, et al. does not constitute prior art in connection with the subject matter of the above-identified application, under either of 35 USC 102 and 35 USC 103. That is, Kondo, et al. has a date, for prior art purposes, which is after the effective filing date of the above-identified application. For this reason alone, all of the prior art rejections fall.

Thus, note that Kondo, et al. has a filing date of April 10, 2001.

In contrast, note that the above-identified application is a National Stage application, filed under 35 USC 371, of International (PCT) Application No. PCT/JP00/05765, having an international filing date of August 25, 2000. This international filing date of August 25, 2000 is the effective filing date of the above-identified application. See 35 USC 363.

As the above-identified application has an effective filing date of August 25, 2000, before the filing date of April 10, 2001 of Kondo, et al., it is respectfully submitted that Kondo, et al. does not constitute prior art in connection with the subject matter of the above-identified application.

It is also noted that the above-identified application claims priority under 35 USC 119 of a Japanese priority application filed August 26, 1999. As the above-identified application has an effective U.S. filing date prior to the filing date of Kondo, et al., Applicants need not at the present time rely on the filing date of their Japanese priority application, e.g., by presently satisfying procedural requirements of 37 CFR 1.55 in connection therewith.

In view of the foregoing, it is respectfully submitted that Applicants have clearly established that Kondo, et al. is not prior art in connection with the subject matter of the above-identified application. Reconsideration and withdrawal of

Kondo, et al. as prior art, with resulting withdrawal of all prior art rejections in the above-identified application, is respectfully requested.

Contentions by the Examiner on page 2 of the Office Action mailed March 27, 2006, in connection with the previously submitted Information Disclosure Statement, is noted. Please note that "JP 3337465 B2" contained a typographical error, the correct number being JP 3337464 B2, a copy of which was submitted with the Information Disclosure Statement filed March 13, 2006. It is also noted that JP 3337464 B2 is a patent family member of European Patent Application No. 1137056, also submitted with the Information Disclosure Statement filed March 13, 2006, and indicated as having been considered by the Examiner in the initialed copy of the Information Disclosure Statement by Applicants considered by the Examiner on March 18, 2006. It is respectfully requested that the Examiner indicate consideration of JP 3337464 B2; a Form PTO/SB/08A listing this Japanese patent document is enclosed herewith. Also listed on this Form PTO/SB/08A is the "Supplementary European Search Report" with date of such Report. It is respectfully requested that this Supplementary European Search Report also be considered.

Also to be noted is "JP 2001-520456", submitted with the Information Disclosure Statement filed March 13, 2006, and indicated as considered by the Examiner. For clarification of the record, "JP 2001-52046" is an Official Action issued by the Japanese Patent Office in a counterpart Japanese patent application, and referred to on the first; page of the Information Disclosure Statement filed March 13, 2006.

Filed concurrently herewith is a further Information Disclosure Statement in connection with the above-identified application. It is respectfully submitted that this further Information Disclosure Statement satisfies applicable requirements of 37

CFR 1.97 and 1.98 in connection with the documents submitted therewith, and consideration thereof during further examination of the above-identified application is respectfully requested.

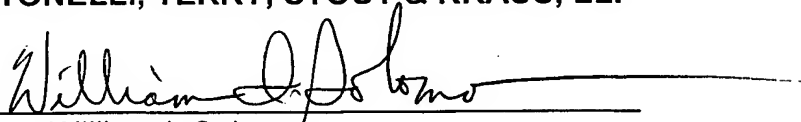
Indication of acceptance by the Examiner of formal drawings filed February 26, 2004, set forth in Item 10) of the Office Action Summary of the Office Action mailed March 27, 2006, is noted. Clarification by the Examiner in connection therewith is requested, as the records of the undersigned do not reflect drawings filed February 26, 2004, in the above-identified application.

In view of the foregoing comments and amendments, entry of the present amendments, and reconsideration and allowance of all claims presently in the application, in light of the documents listed on the enclosed Form and also in light of the documents in the concurrently filed Information Disclosure Statement, are respectfully requested.

Please charge any shortage in fees due in connection with the filing of this paper to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (case No. 1204.41259X00), and please credit any excess fees to such account.

Respectfully submitted,

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Attachment: Form PTO/SB/08A

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